

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 BRUSSELS 001514

SIPDIS

DHS FOR BTS, CBP, ICE
DOJ FOR CRM
ROME ALSO FOR DHS

E.O. 12958: N/A

TAGS: [PREL](#) [PREF](#) [SMIG](#) [PL](#) [AL](#) [LY](#) [EUN](#) [USEU](#) [BRUSSELS](#)

SUBJECT: WARSAW WINS SEAT OF EU BORDER AGENCY; EU
TO INTENSIFY CONTACTS WITH LIBYA ON MIGRATION FLOWS

SUMMARY

1. EU Justice and Home Affairs Ministers (JHA Council) on April 14 agreed that Warsaw would be the seat of the newly created Agency for the management of the EU external borders. The ministers also agreed to intensify contacts with Libya in order to combat illegal immigration, while insisting that cooperation must be based on respect for the Geneva Refugee Convention (which Libya has not signed). The Council tasked the Commission to submit a proposal for setting up a mutual information system among Member State authorities in the immigration and asylum areas. The EU also signed a readmission agreement with Albania. Justice-related matters discussed at the meeting will be reported SEPTEL.
END SUMMARY.

EUROPEAN AGENCY FOR MANAGEMENT OF EXTERNAL BORDERS

2. Following hours-long negotiations among EU Justice and Home Affairs Ministers (JHA Council) on April 14, Luxembourg Justice Minister/Council chair Frieden announced that Warsaw would be the seat of the Agency for the management of the EU external borders. Frieden thus succeeded to break another EU deadlock, after the appointment by the JHA Council of a new head of EUROPOL last February. The Agency, the creation of which was decided last year, will be tasked "to facilitate the application of existing and future Community measures concerning management of the EU's external borders by coordinating Member States' actions to implement those measures." Budapest, Valletta, Ljubljana and Tallinn were also candidates for hosting the Agency but Poland as the country with the longest stretch among the new EU members argued that its capital would be the logical choice. (Note: Poland's border with Belarus is the primary entry point for the EU's largest group of asylum seekers: Russian citizens, primarily Chechens. End Note.)

3. Delays in deciding on a venue and a director for the new border agency were becoming an embarrassment for the Luxembourg Presidency. Speaking to the press, a jubilant Frieden presented the deal as "another proof that the EU-25 can function, even when consensus is required." The decision should enable the Agency to "become operational as soon as possible, since it is supposed to begin its work on May 1." The deal will also "allow the budgetary authorities to release the necessary funds and the Board of Directors to soon appoint the Agency's Director, based on a short list that the Commission will submit." A Commission contact privately told us that a Finnish candidate looks best placed to be the first head of the Agency.

IMMIGRATION COOPERATION WITH LIBYA

4. Commission Vice-President Frattini reported on a mission of information conducted to Tripoli at the end of 2004 with a view to exploring possible cooperation between the EU and Libya in the fight against illegal immigration. Luxembourg Minister delegate for Immigration Schmit told a press conference ensuing discussions in the Council showed "a willingness to continue along the path of cooperation and intensified cooperation with Libya, which is moving closer to the Barcelona Process." Schmit specified that the rapprochement with Libya should be based on respect of principles of the 1951 Geneva Convention (which Libya has not signed) and explained that the EU wanted to "assist Libya with the setting up of institutions to implement these principles" and "to better protect the many refugees who are in that country."

15. Frattini opined that the report from the fact-finding mission, which included representatives from several Member States, highlighted the "rules to be respected regarding the protection of fundamental rights." Frattini said the Commission would present a pilot project for cooperation on migration policies with the region. The plan would have "nothing to do with the financing of camps in transit countries" (a reference to an earlier controversy over a proposal to set up migrant processing centers in Libya and other countries outside the EU). When asked how the EU could justify cooperating with the country that has sentenced Bulgarian health workers to death, Minister Schmit referred to the EU's continuing efforts to seek their release, while arguing that it cannot ignore the problem of illegal immigration.

EXCHANGE OF INFORMATION ON MIGRATION POLICIES

16. The Council adopted conclusions without discussion, paving the way for the setting up of a mutual information system among Member State authorities in the areas of migration and asylum. Member States are expected to tell each other about any measure in the pipeline that could have an impact on the other countries or the EU as a whole. The Commission was tasked to submit a formal proposal by the end of May 2005. The initiative, spearheaded by the Luxembourg Presidency and Frattini, was prompted by the decision of the Spanish government earlier this year to regularize non-EU nationals illegally working in Spain. Frattini made it clear his proposal would cover "all kinds of decisions, whether they effect illegal or legal immigration."

READMISSION AGREEMENT WITH ALBANIA

17. On the fringes of the meeting, the EU signed a readmission agreement with Albania, the fourth pact of that sort coming after similar agreements with Macao, Hong Kong and Sri Lanka. As a general principle, these pacts (which the EU has been at pains negotiating with other countries such as Russia, Ukraine, Algeria, and Morocco) provide for each contracting party to readmit its own nationals, who have been illegally residing in the other contracting party. Minister Schmit hailed the new pact as "a significant and encouraging signal" and a useful step on the path toward Albania's concluding a Stabilization and Association Agreement with the EU. Schmit used the occasion to press Albania to undertake further reforms, particularly against organized crime, trafficking, and corruption; to strengthen the judicial system and public administration; and to ensure the proper operation of democracy and preserve the political stability needed to rapidly implement reforms.

JHA FINANCIAL PROGRAMS

18. Vice-President Frattini presented the Commission detailed proposals for EU programs in the area of justice, freedom and security under the proposed EU financial framework for 2007-2013. Under this package, EUR 5.9 billion/USD 7.5 billion would be earmarked for border control, asylum and immigration projects. German Interior Minister Schily, whose country is seeking to limit EU expenditure to 1.0 percent of the EU's GNI over the period, said the Commission proposals were not acceptable as such and cautioned not to earmark EU funds for matters falling in the scope of national competencies. In particular, border control was "a matter for national authorities" and EU financing could only be envisaged for cooperation projects involving all EU-25 such as the above-mentioned Agency for the management of the EU external borders.

MCKINLEY